

# CITY COUNCIL MINUTES

July 23, 2007

## REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, July 23, 2007 at 6:00 p.m., immediately following a 5:15 p.m. Closed Session, with Mayor Robert Snyder presiding and City Clerk Joseph G.R. Labrie recording the minutes.

### CALL TO ORDER

### ROLL CALL:

**Council Members Present:** Kevin Hanley, Keith Nesbitt, Bridgett Powers, Bob Snyder, J. M. Holmes

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Airport Manager Jerry Martin, Engineering Division Manager Bernie Schroeder, Administrative Services/Finance Director Andy Heath, Public Works Director Jack Warren, Police Chief Valerie Harris

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **MOTION: Holmes/Nesbitt/Approved by Voice**

- (1) Pursuant to Government Code Section 54957.6:  
**CONFERENCE WITH LABOR NEGOTIATORS**  
Agency Designated Representatives: David Mackowiak, Robert Richardson

Employee Organization: Police Officers Association

- (2) Pursuant to Government Code Section 54956.9(b)  
**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing fact and circumstances, there is a significant exposure to litigation against the City Council/Agency.

Receipt of Claim pursuant to Tort Claims Act or other written communication from Brad Booth threatening litigation (copy available for public inspection in the City Clerk's office). G.C. 54956.9v(3) (C).

## **REPORT OUT OF CLOSED SESSION**

No reportable action.

## **PLEDGE OF ALLEGIANCE**

## **AGENDA APPROVAL**

No changes.

## **CONSENT CALENDAR**

1. **Janitorial Services at the Auburn Multimodal Station Restrooms**

Removed by Council Member Nesbitt; item follows Consent Calendar.

2. **2006-07 Street Overlay Project, Phase 2**

By **MOTION** authorize the Director of Public Works to advertise for the 2006-07 Street Overlay Phase 2 Project.

3. **CNG Fueling Station Project**

A. By **RESOLUTION 07-83** authorize the Director of Public Works to execute a construction contract with Performance Mechanical Incorporated for the CNG Fueling Station Project in an amount not to exceed \$293,152.20.

B. By **MOTION** find the CNG Fueling Station Project exempt from the California Environmental Quality Act (CEQA) per Section 15301.c (Existing Facilities).

4. **In-lieu Parking Fee for Commercial Building – 165 Court Street**

By **RESOLUTION 07-84** approve the option to pay the in-lieu parking fee for the commercial building located at 165 Court Street.

5. **Ultraviolet Light Wastewater Disinfection Package for the Auburn Wastewater Treatment Plant Improvement Project**

By **MOTION** authorize the Director of Public Works to begin the selection process for the ultraviolet light disinfection equipment to be used in the Auburn Wastewater Treatment Plant Project.

6. **Quarterly Report of Investments – Quarter Ending June 30, 2007**

Receive, review and file the "City of Auburn Quarterly Investment Report" for the quarter ending June 30, 2007.

7. **Adoption of Ad Valorem Debt Service Tax Rate for General Obligation Bonds – Fiscal Year 2007-08**

By **RESOLUTION 07-85** adopt a Debt Service Tax Rate for the redemption of voter approved General Obligation Bonds (Auburn Civic Center – 1987) in the amount of \$0.0019 dollars per hundred dollars of assessed valuation for fiscal year 2007-08.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve Consent Calendar Items 2 through 7. **MOTION: Holmes/Powers/Approved 5:0**

1. **Janitorial Services at the Auburn Multimodal Station Restrooms**

Engineering Division Manager Bernie Schroeder explained the need to increase janitorial services at the multimodal station from three to five days per week due to the increased patronage and vandalism.

By **RESOLUTION 07-82** authorize the Director of Public Works to execute Amendment No. 1 to the existing agreement with Inside Out Maintenance for janitorial services at the Auburn Multimodal Station Restrooms.

**MOTION; Holmes/Hanley/Approved 5:0**

8. **Public Comment**

Norm Johnson, Mt. Vernon Road, Auburn, stated that his letters to the City have never been answered by the City Manager nor have his water problems ever been addressed by the Council. He presented a copy of his April 4, 2006 letter to the Council. He also stated that the property adjacent to his property is a fire hazard. He felt that the City should address the abatement issue, since the tall grass and weeds are a danger to his home and property.

**PUBLIC HEARING**

9. **Urgency Sewer Connection Charge**

City Attorney Michael Colantuono explained that on June 25, 2007, the City Council passed a resolution that set the sewer connection fee at \$6,465 per EDU for residential and \$6,465 per non-residential parcel. The resolution expires July 25, 2007 and a new resolution is needed to fill

the gap between the resolution and the Ordinance Amendment which sets the rate at \$6,465 beginning on August 10, 2007.

- A. Hold a Public Hearing on the adoption of interim sewer connection charges. The Council conducted the public hearing; no member of the public wished to speak.
- B. By **RESOLUTION 07-86** impose interim sewer connection charges effective to August 10, 2007. **MOTION: Hanley/Holmes/Approved 5:0**

10. **Auburn Municipal Airport Master Plan Report**

Community Development Director Will Wong introduced the item. He introduced Consultant Ken Brody and advised that he was present to answer any questions the Council had for him.

Anthony San Paolo presented a letter to the Council on behalf of the Windsong Estates Home Owners Association. He explained that there were four issues the association would like resolved regarding a proposed residential development near the airport: (1) easement (2) noise mitigation measures (3) density and (4) Oak Tree removal and grading. Mayor Snyder noted that the agenda item did not pertain to the development proposal to which Mr. San Paolo concerns were addressed.

By **RESOLUTION 07-87** adopt the Mitigated Negative Declaration and approve the Auburn Municipal Airport Master Plan Report. **MOTION: Hanley/Powers/Approved 5:0**

## **REPORTS**

11. **Informational Reports from Committees & Commissions**

Library Advisory Board Commissioner Michael Otten reported to the Council and outlined the written report he submitted.

12. **City Council Committee Reports**

Council Member Holmes reported on the Youth Advisory Commission. He advised that the commission would not be meeting in August. He reported on the Old Town Business Association Meeting and its discussion of a parking study and the safety of concrete steps in Old Town.

Council Member Hanley expressed his thoughts on buying locally.

Council Member Nesbitt advised that progress is being made with the Auburn Placer Performing Arts Center.

Council Member Powers reminded everyone that the 100 Mile Tevis Cup Ride will take place on the upcoming weekend.

Council member Holmes reminded the Council that the League of California Cities meets in September. Mayor Snyder encouraged everyone to attend.

Mayor Snyder advised that the Mosquito Abatement District had a 64% property-owner approval for an additional assessment for expanded services.

## **COUNCIL BUSINESS**

13. **Amendment of Leases for City Property between the City of Auburn and Coherent, Inc. and Assignment of Leases to FPA/MS COHERENT, LLC**

Airport Manager Jerry Martin introduced the item. He stated that long term discussions between all parties involved have culminated in the agreements before the Council. He outlined his written report in detail. The City will receive \$153,553 annually for the five leases. In the year 2012 and every five years thereafter to 2038, the rent will increase ten (10%) percent. Beginning in the year 2038 and every five years thereafter to expiration of the original term in 2052, the rent is adjusted by the CPI for the previous five years. He added that there will be a net gain to the City of almost one half million dollars.

By **RESOLUTION 07-88** approve and authorize the City Manager to execute: (1) Amendment of the 4 Leases between the City of Auburn and Coherent, Inc. for City property in the Auburn Municipal Airport Industrial Park to extend the terms and provide for rent increases; (2) Subdivision of the Lease #3 Premises into 2 parcels pursuant to the governmental exception to the Subdivision Map Act; (3) Amendment of Coherent Lease #3 to amend the legal description of the leased premises; (4) Amendment to Coherent Lease #3 to provide terms for the newly created fifth leased premises; (5) Declaration to Encumber all 5 leased premises to CC & R's; (6) Subordination agreement subjecting City's fee interest in the real property subject to the 5 leases to the CC & R's; (7) Deferred Improvement Agreement affecting the improvements on Coherent Lease #3 and newly created leased premises; and (8) Assignment of the Leases to FPA/MS COHERENT, LLC, a Delaware limited liability company.

**MOTION: Holmes/Hanley/Approved 5:0**

14. **Sewer Connection Charge Policy**

Public Works Director Jack Warren introduced the item. He explained that there are two vesting tentative maps for projects currently in the pipeline. These vesting tentative maps entitle the landowners to pay the development impact fees in effect the date the maps were approved.

City Attorney Michael Colantuono said that the two vesting tentative maps “grandfather” those projects at the old sewer connection rate of \$3,500 and by law, the City cannot charge these developers the new rate. Accordingly, the developers of Summer Ridge Subdivision and Sunny Creek Subdivision they would only have to pay the old rate of \$3,500.

By **MOTION** implement Option 1, outlined in the staff report:  
Implementation of the increased fee as provided by State Law. **MOTION:**  
**Hanley/Powers/Approved 5:0**

**ADJOURNMENT**

Mayor Snyder, without objection, adjourned the meeting at 7:07 p.m.

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Robert Snyder, Mayor

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Joseph G. R. Labrie, City Clerk